

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

ANDREA ARONALD,

Plaintiff,

-against-

5:07-CV-0442  
(LEK/GJD)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on April 28, 2008, by the Honorable Gustave J. DiBianco, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 19).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge DiBianco's Report-Recommendation.<sup>1</sup> Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

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<sup>1</sup> The Court notes correspondence received from Plaintiff on June 30, 2008 indicating that she received the Report-Recommendation and including information regarding her recent treatment. Dkt. No. 22. Because the case is being remanded due to an incomplete record, among other reasons, the Court expects that this information will be appropriately considered and developed by the Administrative Law Judge.

Accordingly, it is hereby

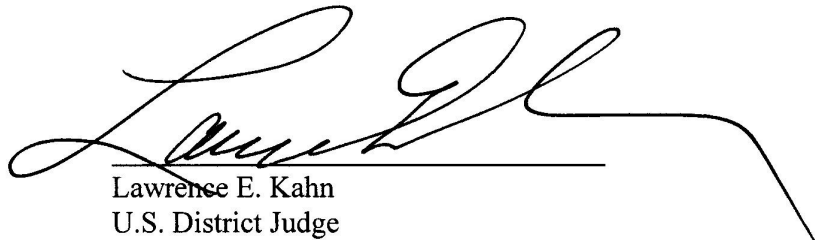
**ORDERED**, that the Report-Recommendation (Dkt. No. 19) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that the decision denying disability benefits is **VACATED** and this matter **REMANDED** to the Commissioner, pursuant to sentence four of 42 U.S.C. § 405(g)<sup>2</sup> for further proceedings consistent with the above; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties, using Plaintiff's address as noted in the Notice of Change of Address (Dkt. No. 21).

**IT IS SO ORDERED.**

DATED: July 10, 2008  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge

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<sup>2</sup> Sentence four reads “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g).